

City of Chicago
COMMISSION ON HUMAN RELATIONS

ADJUDICATION DIVISION

2018 Activity
Concerning Discrimination Cases
filed under the
Chicago Human Rights Ordinance
and
Chicago Fair Housing Ordinance



Chicago Commission on Human Relations
740 N. Sedgwick, Suite 400, Chicago, IL 60654
(312) 744-4111 (voice) – (312) 744-1088 (TTY) – (312) 744-1081 (fax)

Adjudication of Discrimination Complaints

The Commission's authority to adjudicate discrimination complaints is rooted in the Municipal Code's Commission on Human Relations Enabling Ordinance and the two corresponding anti-discrimination laws, the Chicago Human Rights Ordinance and the Chicago Fair Housing Ordinance. The enforcement of these Municipal anti-discrimination ordinances, through complaints alleging discrimination, is carried out by the Adjudication Division.

The principal functions of the Division are:

- To receive and investigate complaints alleging violations of the Chicago Human Rights Ordinance and/or the Chicago Fair Housing Ordinance.
- To facilitate settlement of a pending complaint, where the parties are amenable.
- In collaboration with independent hearing officers and the Board of Commissioners, to determine, after investigation and hearing, whether discrimination occurred in violation of the Human Rights Ordinance or the Fair Housing Ordinance and to order remedies and related damages consistent with the outcome these findings.

The orders of the Commission's Adjudication Division and the rulings of the Board of Commissioners in discrimination cases carry the force of law. If the Board of Commissioners rules that discrimination occurred, it has the power to impose fines and order injunctive relief as well as the payment of out-of-pocket damages, emotional distress damages, punitive damages, attorney fees, and costs.

In investigating and adjudicating a discrimination complaint filed by a member of the public, the role of the Commission is neutral. Although Commission staff is available to answer questions about the adjudication process and related documentation, it does not serve as either side's lawyer, advisor, or advocate. It is not a prosecutor of the case. It does not take the side of either the complainant (the person who filed the complaint) or the respondent (the alleged violator).

Adjudication on the Web

See the Commission on Human Relations web site at www.cityofchicago.org/humanrelations for more information about Chicago's discrimination ordinances and their enforcement, including –

- Copies of the Chicago Human Rights Ordinance and the Chicago Fair Housing Ordinance
- Copy of the Commission on Human Relations Enabling Ordinance
- The regulations governing enforcement of these ordinances
- Information on how to research Commission case law
- *A Board Rulings Digest* summarizing decisions about violations and remedies ordered
- *Information for Complainants* (in English and Spanish) to help individuals prepare, file, and prove a complaint.

- *Information for Respondents* (in English and Spanish) to help those accused of discrimination respond to a complaint
- A complaint form and frequently-used forms and templates for complainants and respondents
- Informational fact-sheets on various rights and obligations associated with either of the two anti-discrimination ordinances.
- Information about other discrimination laws and enforcement agencies

Also, see and “like” the Commission’s Facebook page for updates on our work, recent precedential decisions, relevant articles, and pictures of our staff delivering on our Mission around the City.

What is Discrimination?

Discrimination is conduct directed at an individual based on the perception or belief that, unlike others, a characteristic of that individual justifies subjecting her/him to negative conduct or commentary, also known as adverse treatment.

In general, to prevail in a discrimination case filed under the Municipal anti-discrimination ordinances, a complainant must be able to prove it was more likely than not, a standard known as “preponderance of the evidence,” that:

- The complainant was subjected to *adverse treatment* by individuals, businesses, or government entities (the respondent) required to comply with the respective ordinance.
- This conduct was based on respondent’s perception or belief that complainant possesses a specific characteristic that fits within one or more of the following *categories protected by the anti-discrimination ordinances*:

Race	Sex	Age (over 40)
Color	Sexual Orientation	Disability
National Origin	Gender Identity	Source of Income
Ancestry	Marital Status	Military Status
Religion	Parental Status	Credit History (employment only)
		Criminal History (employment only)

- The conduct was in one of the following *covered areas*:

Housing	Public Accommodations
Employment	Credit or Bonding Transactions

- The adverse action took place *in the City of Chicago*.
- The complaint was filed within *180 days* of the alleged discriminatory action. It should be noted that starting January 23, 2019, the filing period for a complaint will be extended to *300 days*.

- The complainant was treated differently *because of* his or her actual or perceived protected category, and not for other legitimate, non-discriminatory reasons.

Filing a Discrimination Complaint

Intake staff of the Adjudication Division are available from 9 AM to 5 PM, Monday through Friday to answer inquiries about filing a complaint, or to help clarify questions about the adjudication process. Those interested should telephone (312) 744-4111. Intake staff will assist the public with preparation of complaints on a walk-in basis between 9:30 – 3:00 PM. They also provide forms for self-preparation of complaints and filing by mail, facsimile, or electronic mail. There is no filing fee. Spanish speaking staff, and interpreter services in other languages, are also available on an as-needed basis.

How Cases Proceed

Individuals who believe they have been subjected to discrimination as defined in the Municipal anti-discrimination ordinances may file written complaints with the Commission following a prescribed format. After a complaint is duly filed, the Commission notifies each named respondent and sets a deadline to submit a written response and any documents that support the respondent's position. The complainant also receives a deadline to reply to any response and to submit any documentation that supports the allegations of the complaint.

Although settlement is not an option for everyone, where the parties are amenable to it, the Commission can facilitate settlement discussions regarding a pending complaint. Settlement is voluntary. The Commission does not propose or advocate particular settlement terms, but staff may assist in the drafting of the agreed terms of a settlement for parties to sign.

If the case does not settle or otherwise close at the pleading stage, the investigator completes any additional evidence-gathering that may be needed and compiles the evidence for review by senior staff of the Commission. The investigation of claims usually consists of interviewing witnesses and examining relevant documents or physical evidence. The investigator may seek information about the experiences of other people whose situations are comparable to the complainant's. Investigators may conduct site visits when appropriate to the case. The Commission has subpoena power along with the power to sanction parties that fail to cooperate with the investigation.

Once an investigator has gathered all of the evidence relevant to a particular claim, s/he compiles this material for consideration by a Compliance Committee of Commission senior staff who determines whether or not there is "substantial evidence" of discrimination. A finding of substantial evidence does not mean the complainant has won the case, but only that there is enough evidence of a violation for the case to go forward. If the Compliance Committee finds no substantial evidence of an ordinance violation, it dismisses the case. The complainant may request a review of the dismissal.

If the Commission finds there is substantial evidence of discrimination (or retaliation if applicable), it notifies the parties that the case will proceed to an administrative hearing. The parties have the

option of settling the case prior to the hearing.

The administrative hearing is a trial, but somewhat less formal than in a court. A hearing officer is appointed by the Commission from a pre-selected panel of experienced, civil rights attorneys. The hearing officer presides over the hearing and manages the pre-hearing and post-hearing process. Commission staff do not prosecute the case or represent the complainant at this hearing. If the parties want legal representation, they must secure an attorney themselves. Respondents who are incorporated are required to be represented by a licensed attorney during the administrative process.

It is entirely the complainant's responsibility to prove the case and to prove entitlement to injunctive and monetary relief as well as any attorney fees and costs. Pre-hearing discovery and subpoena procedures are available to the parties to aid in obtaining evidence to support their positions.

Based on the hearing officer's recommendation and the hearing record, the Board of Commissioners makes the final determination as to whether the complainant has proved that the respondent violated the Chicago Human Rights Ordinance or the Chicago Fair Housing Ordinance. If the Board rules that there has been a violation, it also determines what relief will be awarded to the complainant.

Relief may include a fine for each violation, an order to take steps to eliminate discriminatory practices (injunctive relief), an award of damages to be paid to the complainant, and an order to pay the prevailing complainant's attorney fees and related costs. Final orders awarding or denying relief have the force of law, can be appealed to the state court on a *certiorari* petition, and are enforceable by obtaining a state court judgment.

Summary of Filing and Adjudication Activity

The table below summarizes complaint filing and adjudication activity during 2018 in the categories of discrimination complaints accepted under the City's ordinances. The 2018 figures are compared to those for 2017.

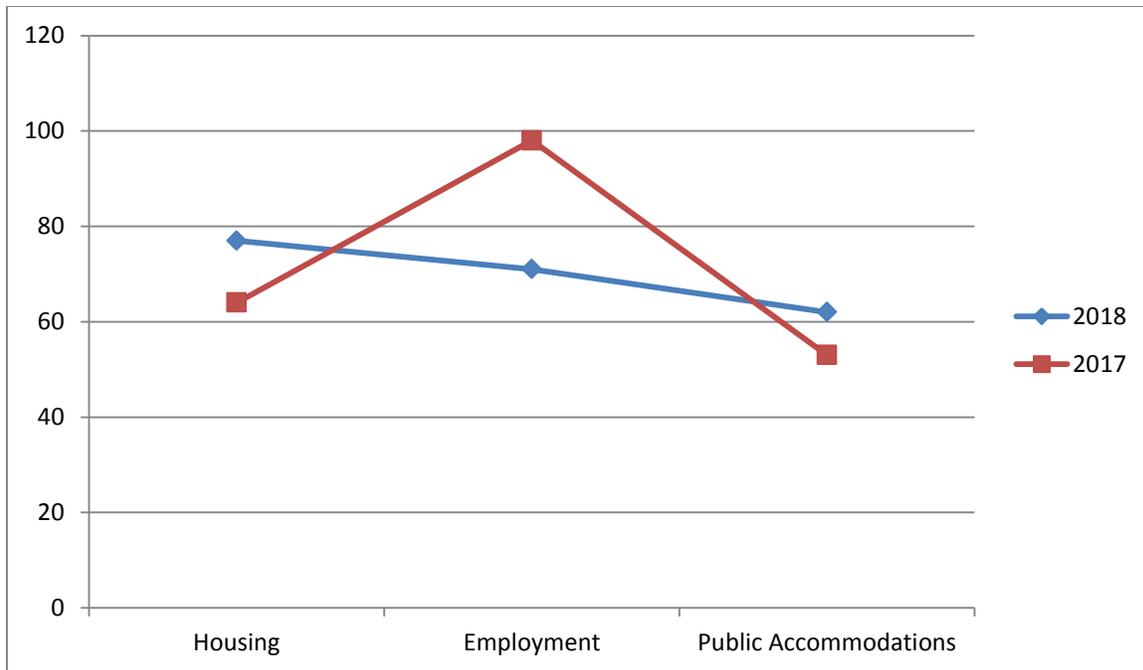
Case Activity Summary	Housing 2018 / 2017	Employment 2018 / 2017	Public Accommodation 2018 / 2017	Credit 2018 / 2017	TOTAL 2018 / 2017
COMPLAINTS FILED	77 / 64	71 / 98	62 / 53	0 / 0	210 / 215
Staff-Assisted	29 / 35	36 / 54	35 / 27	0 / 0	100 / 116
Self-Prepared	48 / 29	35 / 44	27 / 26	0 / 0	110 / 99
CASES FORWARDED TO HEARING STAGE	18/ 25	11/ 6	13/ 9	0 / 0	42 / 40
Substantial Evidence	16/ 25	11/ 6	12/ 9	0 / 0	39 / 40
Default (investigation stage)	2/ 0	0/ 0	1/ 0	0 / 0	3 / 0
CASES CLOSED	85 / 67	89 / 83	61 / 42	0 / 1	235 / 193
Settled	35 / 19	18/ 12	17/ 7	0/ 0	70/ 38
Complainant Withdrew Complaint	13/ 9	25/ 11	12/ 11	0/ 0	50/ 31
Complainant Failed to Cooperate	2/ 11	5/ 3	5/ 3	0/ 0	12/ 17
Lack of Jurisdiction	6/ 1	0/ 2	0/ 1	0/0	6/ 4
No Substantial Evidence	29 / 24	39 / 54	27 / 18	0/ 1	95 / 97
Ruling After Hearing	0/ 3	2/ 1	0/ 2	0/0	2/ 6
REQUESTS FOR REVIEW after involuntary dismissal	5 / 11	3 / 6	3 / 4	0 / 0	11 / 21
Denied	5/ 4	3/ 6	2/ 4	0 / 0	10 / 14
Granted	0/ 6	0/ 0	1/ 0	0 / 0	1 / 6
Granted in Part, Denied in Part	0/1	0/0	0/0	0 / 0	0/1

Discrimination Claimed in New Complaints

The percentage figures in the table below show the percentage of total *complaints* in each of the four respective areas filed in 2018 which contained a *claim* of discrimination on the basis named. A complaint may claim discrimination on more than one basis (e.g. sex and age) arising out of the facts alleged. Thus the number of claims usually exceeds the number of complaints.

PROTECTED CLASS	Housing	%	Employment	%	Public Accom.	%	Credit	%	Total Claims	%
Race	25	32%	26	36%	25	40%	0		76	36%
Color	4	5%	2	2%	4	6%	0		10	5%
National Origin	5	6%	12	17%	3	5%	0		20	10%
Ancestry	1	1%	3	4%	0		0		4	2%
Religion	1	1%	0		5	8%	0		6	3%
Sex	4	5%	27	38%	4	6%	0		35	17%
Sexual Orientation	1	1%	9	13%	7	11%	0		17	8%
Gender Identity	0		4	5%	4	6%	0		8	4%
Marital Status	4	5%	0		0		0		4	2%
Parental Status	1	1%	2	2%	0		0		3	1%
Age	3	3%	6	8%	5	8%	0		14	6%
Disability	13	17%	12	17%	27	43%	0		52	25%
Source of Income	49	64%	0		0		0		49	23%
Military Status	0		1	1%	0		0		1	>1%
Credit History	N/A		0		N/A		N/A		0	
Criminal History	N/A		1	1%	N/A		N/A		0	
Retaliation	3	2%	11	15%	0		0		14	6%

Number of Complaints Received by Type



Trends in Discrimination Claims

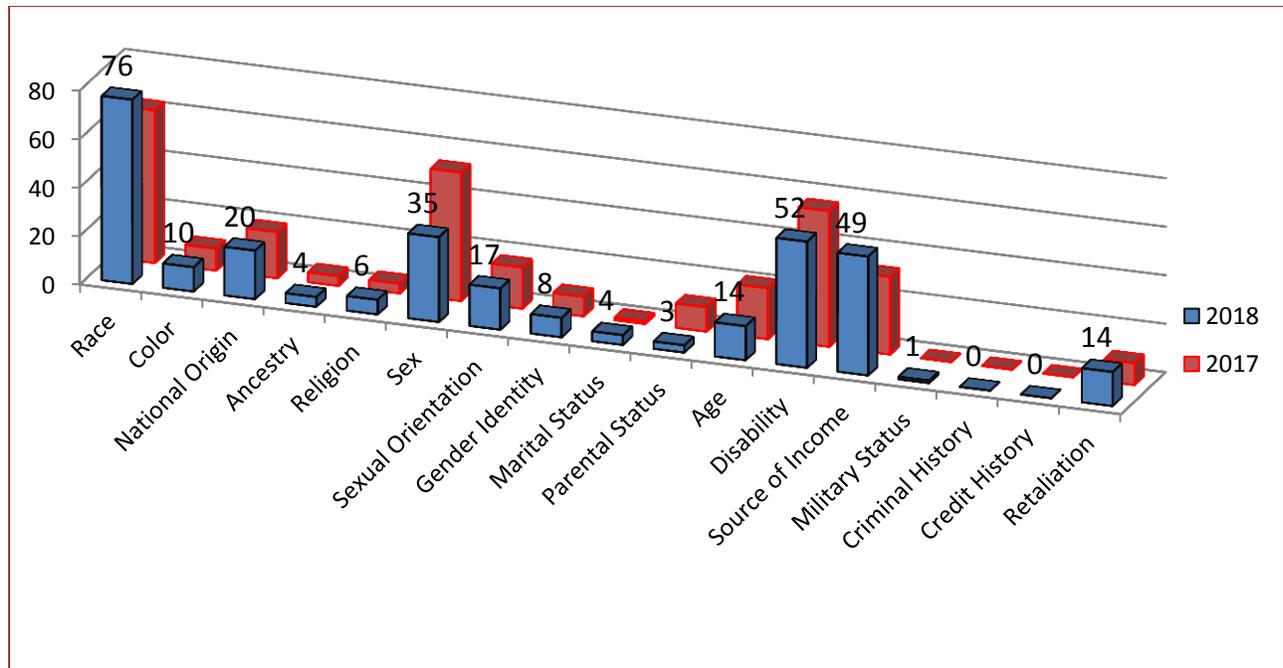
In 2018, the CCHR received roughly the same overall number of complaints as 2017, though with certain key differences in the focus and distribution of those complaints. The CCHR has received a total of 210 complaints of discrimination, compared to 215 for 2017. It should be noted that from 2016 to 2017, the CCHR saw a roughly 20% increase in the overall number of complaints received. In 2018, the CCHR was able to maintain that level of complaint numbers.

Notably, Housing discrimination complaints were up by approximately 17% over 2017. Of the housing complaints received, the vast majority of those, 51 out of 77, allege discrimination based on source of income. This increase in housing complaints, and the focus of those complaints on source of income, may be attributable to increased local media coverage and outreach by the CCHR and local advocacy groups on the issue of housing discrimination against Housing Choice Voucher holders.

Public accommodation complaints are up by approximately 15%, from 2017. With the implementation of the new disability access regulations in 2017, the CCHR expects to see this number continue to increase. These regulations brought the City's rules regarding disability access for public accommodations in line with the federal guidelines for the Americans with Disabilities Act. Throughout 2017 and 2018, CCHR staff conducted significant outreach to raise awareness of the City's new disability access standards.

Finally, it should be noted that the CCHR received no complaints of discrimination in the areas of bonding or credit in the 2017 and 2018.

Total 2018/2017 Discrimination Claims by Protected Category



Trends by Complaint Type

EMPLOYMENT

As noted above, 2018 was a somewhat unusual year in that employment discrimination complaints did not comprise the bulk of the total complaints received at the Commission. Historically, employment discrimination claims have made up the majority of the Commission’s complaints. However, between 2017 and 2018, employment discrimination complaints received by the Commission were down by approximately 25%. This decrease could be attributable to a number of factors, including employers developing better internal policies to identify possible discriminatory practices before they escalate to the point that an employee files a complaint. The decrease in employment discrimination complaints also appears to be part of larger trend in Illinois and nationwide, which has seen an overall decline in complaints received by the Illinois Department of Human Rights (down approximately 17% from 2017 to 2018) and the EEOC (down approximately 10%).

One noteworthy statistic is with regard to the number of employment discrimination complaints received by the Commission in which some form of sexual harassment is alleged. From 2011

through 2016, the number of sexual harassment complaints received by the CCHR remained fairly consistent, with those complaints typically representing between 7% and 14% of the total employment discrimination complaints received. In 2017, however, that number jumped to 22% of employment discrimination complaints received. The increased national dialogue in 2017 around issues of discrimination and harassment, particularly with regard to high-profile cases of sexual harassment and the #MeToo movement, may have played a role in that increase in complaints regarding sexual harassment. In 2018, while the CCHR received 13 employment discrimination complaints alleging sexual harassment, as opposed to 22 in 2017, that number still represented roughly 20% of the total employment discrimination complaints received – an increase over years prior to 2017.

	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>	<u>2014</u>	<u>2013</u>	<u>2012</u>	<u>2011</u>
Number of Employment Discrimination Complaints Alleging Sexual Harassment	13	22	8	6	5	11	11	15

In 2018, the CCHR received roughly 25% fewer employment discrimination complaints as compared to 2017. This was an unexpected outcome, particularly given the media attention on the #MeToo movement and the focus on issues of discrimination and harassment in the national dialogue. In fact, as compared to 2017, the CCHR actually received fewer complaints of sexual harassment. This likely speaks to the fact that despite the increased attention on sexual harassment, many victims still do not feel empowered to report sexual harassment, and fear the consequences of reporting if they chose to come forward.

HOUSING

In 2018, the Commission received 77 complaints alleging housing discrimination. This number represents an increase of about 17% from 2017, when 64 such complaints were filed. As has been the trend for the past several years, the vast majority of the 77 housing complaints – 49 complaints (or 64%) – alleged source of income discrimination, most of which involved Housing Choice Vouchers, also known as Section 8 Vouchers. In 2018, the Commission worked to address the prevalence of source of income discrimination in housing through targeted outreach to landlords and property managers. These efforts are described in the outreach section below.

Beyond source of income, race and disability discrimination were the next most frequent claims in the area of housing, with 32% and 17% respectively of the overall housing discrimination complaints. All other types of discrimination were claimed in 6% or fewer of new housing discrimination complaints.

PUBLIC ACCOMMODATIONS

Out of the 62 public accommodation complaints received in 2018, disability was the most cited basis of discrimination, included in 43% of all complaints received under this category, which is typical of complaints filed in prior years. This is an overall increase from 2017, which may be attributable to the Commission's increased outreach work around the issues of disability access. The next most cited basis of discrimination, closely behind disability, was race, which was cited in 40% of the public accommodation complaints received by the Commission. The remaining types of discrimination were claimed in 10% or fewer of public accommodation complaints received by the Commission.

CREDIT OR BONDING TRANSACTIONS

Discrimination in credit transactions and bonding has never been the subject of many complaints. For example, the Commission received no such complaints were filed in 2018 or 2017.

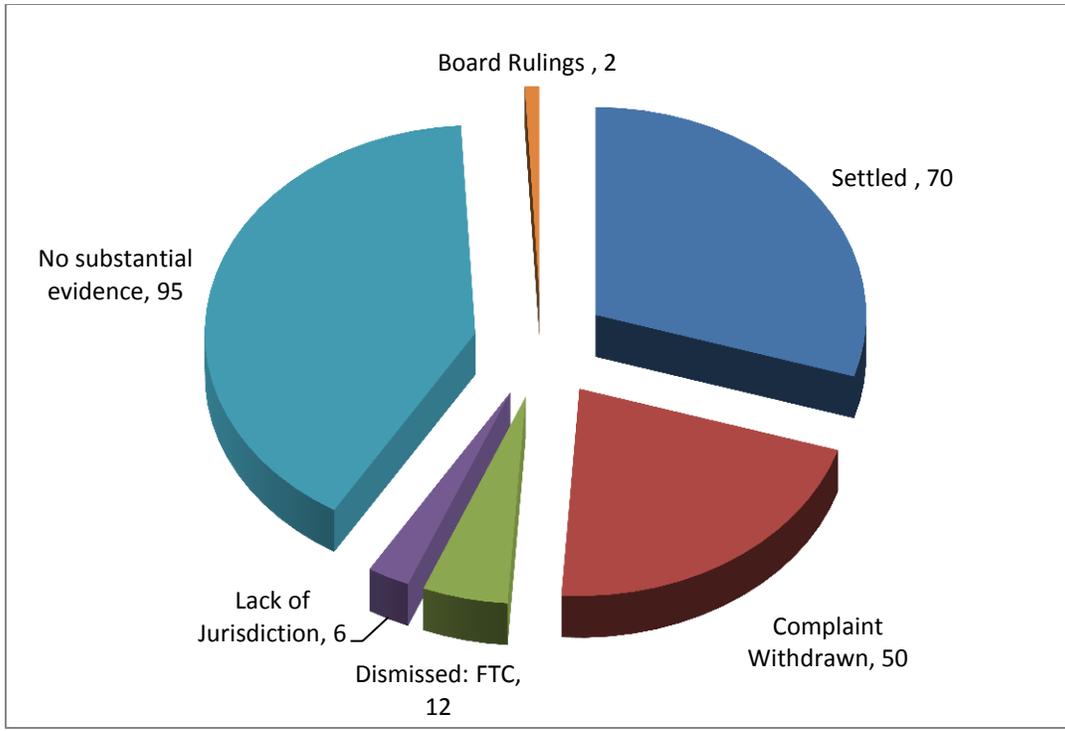
Evaluating Complaint Data

In considering the meaning of the data on discrimination complaints presented in this report, a few points should be kept in mind:

- The value of Chicago's enforcement structure is in making a *fair, neutral complaint and adjudication process readily available to anyone* who believes he or she has been subjected to discrimination in violation of Chicago's ordinances.
 - Every properly-filed complaint which a complainant chooses to pursue will be investigated and ruled upon according to established procedures and legal standards.
 - Businesses and individuals accused of discrimination have the opportunity to present their defenses under the same neutral process.
 - Although the Commission implements City policy which strongly opposes discrimination, it is careful to impose the City's powerful remedies only when justified by the evidence and applicable law.
 - At the same time, the Commission encourages utilization of its complaint filing and adjudication system so that accusations of discrimination can be resolved fairly according to the law and discriminatory conduct can be remedied and deterred.
- Complaint-filing data does not measure the amount of discrimination that actually occurs in Chicago, for several reasons:

- There can be many reasons victims of discrimination may not pursue a legal remedy, including lack of knowledge of the laws and remedies, inability to devote time and resources to pursuing a case, and concern about the public nature of the process.
- At the time a complaint is filed, the Commission has made no decision about whether the facts alleged are true or whether the claims have legal merit. The investigation and adjudication process is the way the Commission reaches such decisions.
- Many types of discrimination violate federal, state, or county anti-discrimination laws, in addition to Chicago's ordinances. People can choose to file claims under one or more of the available laws, which may vary in their coverage as well as their procedures. Thus the Commission's filing data reflects only a portion of the legal claims alleging that discrimination occurred in Chicago.
- Nevertheless, complaint-filing data can offer insight into what types of discrimination people believe they are experiencing as well as what types of claims people bring to the Commission on Human Relations.
- Chicago's ordinances and enforcement mechanisms offer (1) some unique coverage not available under federal or state laws, and (2) an enforcement system that is Chicago-focused, highly accessible, and linked to other City government initiatives.
- For example, a strength of local anti-discrimination ordinances has been the ability to fill gaps in state and federal laws and to take the lead in addressing additional types of discrimination.
 - Only the Chicago and Cook County ordinances cover all employers and housing providers regardless of size.
 - Federal anti-discrimination laws still do not explicitly cover sexual orientation or gender identity discrimination, an area in which Chicago was a leader when it enacted the present Human Rights and Fair Housing Ordinances and later amended them.
 - Only Chicago imposes anti-discrimination obligations on Chicago employers with fewer than 14 employees with respect to hiring restrictions based on criminal history
 - The Commission is the only place where source of income complaints can be filed when the discrimination takes place in Chicago

Disposition of Cases Closed in 2018



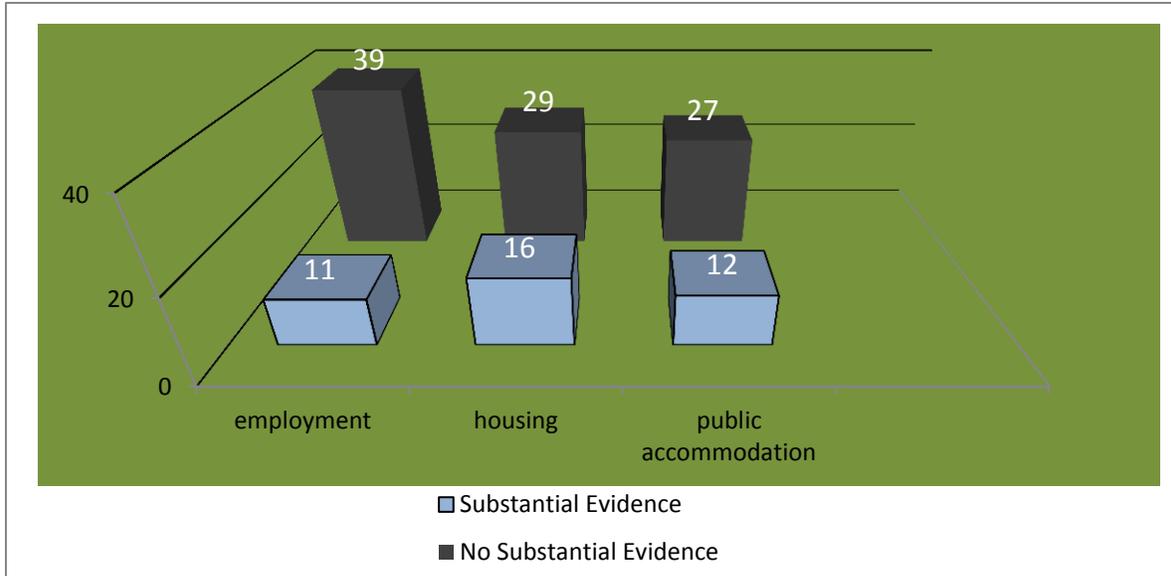
Substantial Evidence Findings

During 2018, 40 complaints advanced to the administrative hearing stage after a finding of substantial evidence that an ordinance violation had occurred. This represents 20% of the 202 dispositions of cases at the investigation stage.

A finding of substantial evidence is a preliminary legal ruling which means there is sufficient evidence, if believed, to support a final ruling that an ordinance violation occurred. A substantial evidence finding allows a case to advance to the administrative hearing process and a Board of Commissioners ruling on liability and relief. To obtain relief, it remains the responsibility of the complainant to prove the case at a public administrative hearing, where any respondent not held in default is allowed to present a defense.

Below is a depiction of 2018 completed investigations by substantial evidence determination and case type:

Findings after Full Investigation



The table below illustrates the flow of complaints from the investigation stage to the hearing stage in recent years. It also illustrates the proportion of pending cases in each stage of adjudication at the end of each year. Between 2007 and 2009, a relatively high number of cases proceeded to the hearing and final ruling process after investigation. As the number of cases advancing to the hearing stage fell back to more typical levels, the number pending in the hearing stage soon dropped accordingly. These levels can vary because it is difficult to predict how many complaints will be filed or how many cases will be active in the hearing stage during a given period of time.

Stages of Complaints	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Pending Complaints (at year-end)	284	259	256	240	259	225	202	216	164	202	198
In Investigation Stage	224	209	220	217	238	206	164	183	129	164	166
In Hearing Stage	60	50	36	23	21	19	38	33	36	38	32
New Complaints	247	259	299	267	249	261	246	265	176	215	210
Complaints Forwarded to Hearing	73	62	37	28	29	33	64	41	39	39	40

Hearing Stage Activity

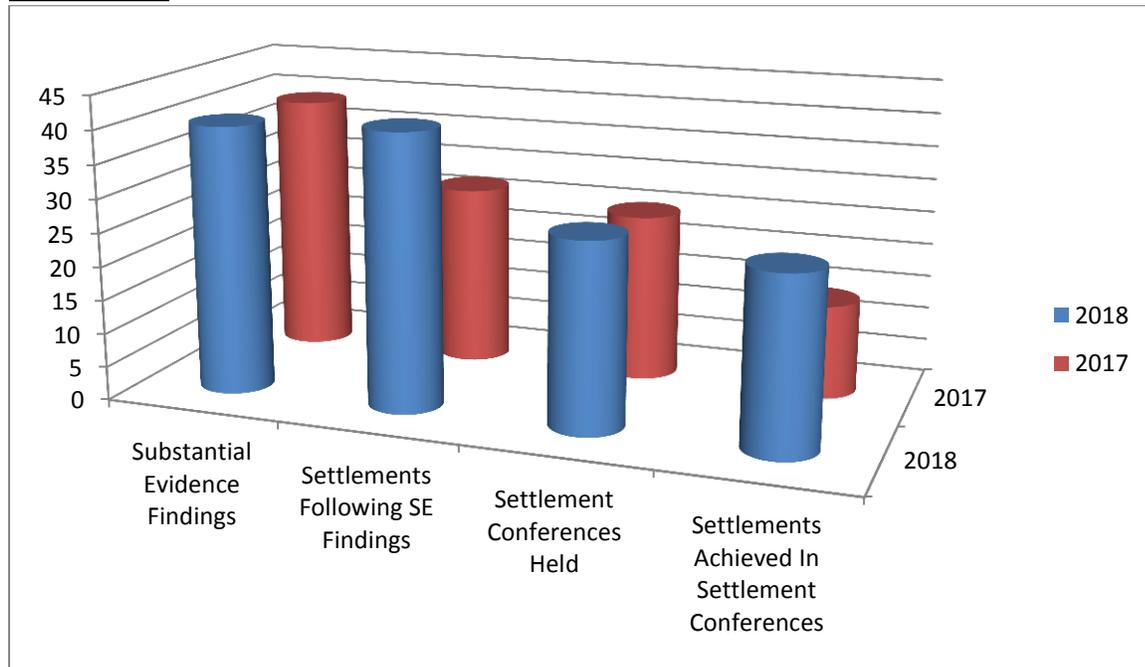
In 2018, the Commission advanced a total of 40 cases to the hearing stage, following a finding of substantial evidence. This was roughly the same number advanced to the hearing stage during 2017. As in past years, approximately 20% of the Commission's closed investigations were advanced to the hearing stage.

Of the cases advanced to a hearing in 2018, only 3 actually went to a full hearing in 2018. In 2018, the Commission held 25 settlement conferences before one of the Commission's independent mediators. Of those cases, 14 either settled or were dismissed based on the complainant's failure to cooperate with the process. The remaining cases carried over to the following year. At the end of 2017, 38 cases remained pending in the hearing stage.

Settlement of Complaints

A substantial number of discrimination cases closed due to settlement between the parties. The Commission values settlement of discrimination complaints consistent with its larger strategy to encourage the voluntary resolution of differences where possible. Settlement may occur prior to completion of a full investigation or after a case has advanced to the hearing process. In 2018, the Commission made greater use of its mediation program. The graph below shows a comparison between settlement activity in 2017 and 2018.

Resolutions



	<u>2018</u>	<u>2017</u>
Substantial Evidence Findings	40	39
Settlements Following SE Findings	41	27
Settlement Conferences Held	28	25
Settlements Achieved In Settlement Conferences	26	14

Settlement is voluntary between the parties. When cases settle, the respondents do not admit liability and the Commission does not decide whether a violation actually occurred. The Commission is not a party to the settlement and does not require or advocate particular settlement terms. However, Commission staff, independent mediators, and hearing officers do encourage parties to try to settle their disputes and may facilitate the process. The Commission is authorized to order parties to participate in a confidential settlement conference conducted by one of its independent mediators. The Commission typically does this after a substantial evidence finding but before appointment of a hearing officer, if there appears to be settlement potential.

Settlement terms vary, and because the majority of settlements are concluded as private agreements between the parties, the Commission often does not know the terms including the monetary value to complainants. To encourage settlement in the future, the Commission does not announce the terms of particular settlements, although parties may choose to do so if they have not agreed among themselves to keep the terms confidential.

Board Rulings

Administrative hearings are held before independent hearing officers appointed by the Commission from a pre-selected roster of attorneys with expertise in civil rights law and litigation. The hearing officer manages the pre-hearing process, assesses credibility, makes findings of fact, and issues a recommended decision which the Board considers as the basis for its final ruling on liability and relief. If a prevailing complainant was represented by an attorney, a second recommended and final ruling determines the amount of the attorney fees and related costs the respondent will be ordered to pay.

Board rulings are written legal opinions which explain the basis for the decision. They are available to the public and establish precedents for future Commission decisions. The *Board Rulings Digest* is a Commission publication listing all Board rulings entered after administrative hearings. The latest update of the *Board Rulings Digest* is available on the Commission’s website or on request from the office.

Housing Discrimination

Hawkins v. Village Green Holding Company, LLC, 14-H-35

The Board found no violation of the Chicago Fair Housing Ordinance where Complainant claimed that Respondent failed to rent an available apartment to her because she would have used a Housing Choice Voucher. The Board found that Complainant failed to present credible testimony to prove direct evidence of discriminatory intent by the Respondent, and there was no circumstantial evidence presented to prove that Respondents acted with discriminatory intent toward Complainant. Moreover, Complaint failed to show that her Housing Choice Voucher could have been used to rent to the apartment in question. Consequently, the Board adopted with the Hearing Officer's finding that the Complaint failed to establish liability against the Respondent.

Public Accommodation Discrimination

Russell v. CTA, CCHR Case No. 16-P-49

The Board found that the Chicago Transit Authority violated Complainant, Lola Russell's rights under the Chicago Human Rights Ordinance. Complainant, who uses a walker due to a disability, alleged that the CTA failed to accommodate her disability when one of its bus operators refused to lower the bus's ramp for her when she attempted to disembark at her stop. Following a hearing, the Hearing Officer found the CTA liable and ordered the CTA to pay \$10,000 to Complainant for emotion distress, a fine to the City of \$100, and injunctive relief in the form of additional training for CTA bus drivers on when they must lower a bus's ramp for a customer. The Board adopted the Hearing Officer's finding as to liability, as well as injunctive relief, but reduced the Complainant's emotional distress damages award to \$5,500.

Ordinances and Other CCHR Regulations Amendments

Ordinance Changes

In 2018, the CCHR - working with the Mayor's office and members of the City Council – helped enacted two key changes to the Chicago Human Rights and Fair Housing Ordinances. First, in December 2018, the City Council approved a change to the anti-retaliation provisions of the Human Rights and Fair Housing Ordinances. The City's ordinances historically have provided significantly fewer protections to individuals who complain about harassment and discrimination than comparable state and federal laws such as the Illinois Human Rights Act and Title VII of the Civil Rights Act of 1964. This amendment changes that, and brings the protections offered by the City in line with other laws.

In its original form, the City's anti-retaliation provisions only protected individuals who filed a complaint with the Chicago Commission on Human Relations or who participated in a CCHR investigation. This is much narrower than the anti-retaliation protections in Title VII or the Illinois

Human Rights Act, which protect individuals who oppose or complain of discrimination, regardless of whether they first filed a complaint with an administrative agency. The CCHR frequently has refused to take complaints, or has dismissed complaints, where an individual had clearly and unequivocally complained to his or her employer about discrimination, and subsequently been disciplined or discharged. While such a scenario could be a clear-cut case of retaliation under the Title VII or the IHRA, that employee would not have had any recourse under the Chicago Human Rights Ordinance because he or she had not first filed a complaint with the CCHR. What this amendment accomplishes is to bring the protections offered by the Chicago Human Rights Ordinance in line with the protections of analogous state and federal statutes. With this amendment, the CCHR is able to close this gap in coverage and to expand anti-retaliation protections for all Chicagoans.

The City Council also adopted an amendment the Chicago Human Rights and Fair Housing Ordinances that extended the time for filing a complaint with the CCHR from 180 days to 300 days. Traditionally, the statute of limitations for the City's Ordinances has tracked the statute of limitations for the Illinois Human Rights Act, which had been 180 days. On August 24, 2018, Governor Rauner signed into law Public Act 100-1066, which extends the statute of limitations to 300 days. This is the same statute of limitations already found in Title VII. In order to maintain consistency with state and federal law, and to give Chicagoans ample opportunities to file their claims, the City Council adopted an amendment extending the statute of limitations in the City's Ordinances from 180 days to 300 days.

In addition, Chicago's new Hotel Workers Ordinance became effective in 2018. This ordinance offers protections against harassment and retaliation to this particularly vulnerable group of employees. In addition to offering the protection of equipping workers who enter guest rooms with a panic button and requiring hotels to maintain and enforce an anti-sexual harassment policy, the new ordinance prohibits hotels from retaliating against an employee for using a panic button or for exercising any of the protections granted in the anti-sexual harassment policy. The CCHR's role with respect to the Ordinance is to investigate and provide a forum for the adjudication claims under the anti-retaliation provision of the Ordinance.

These changes to the law further strengthen the City's Ordinances and ensure that Chicago continues to prioritize justice and equality for all of its residents, workers, and visitors.

Fair Housing Report

In 2018, the CCHR released a report, prepared by the Chicago Lawyers Committee for Civil Rights Under Law Inc. (the Lawyers' Committee), on discrimination against Housing Choice Voucher (HCV) holders (commonly referred to as Section 8). The Lawyers' Committee utilized paired testing to test for source of income discrimination based on HCVs and race discrimination in six different areas of the city. The testing revealed discrimination against HCV holders, and particularly African-American HCV holders in the neighborhoods where the tests were conducted. Most often the discrimination took the form of refusal to rent a housing unit. In addition to finding discrimination against the testers with Housing Choice Vouchers, the tests also revealed that HCV holders, in particular African-American HCV holders, are often subjected to differential treatment when seeking housing opportunities. Following the testing component of the program, fair housing training was

provided in these communities for landlords, property managers and real estate professionals.

Outreach

The Commission's Adjudication staff, both its attorneys and investigators, participated in a significant amount of outreach in 2018. Throughout the year, outreach activities by Adjudication staff included the preparation of presentation materials, delivering speaking presentations, participating as a speaker on informational panels, teaching continuing legal education courses, and staffing informational tables.

In particular, in 2018 the Adjudication staff conducted a significant amount of outreach to organizations that work with Chicago's immigrant and refugee communities. In addition, throughout 2018, Commission staff presented to workers' rights and labor organizations. Adjudication staff also conducted workshops at City Hall on the issues of harassment and discrimination in the workplace.

CCHR staff also conducted outreach to small businesses in Chicago by walking through particular neighborhoods with high concentrations of retail and restaurant establishments and speaking to business owners and managers about accessibility.

Also in 2018, Adjudication staff working in conjunction with the Chicago Lawyers Committee for Civil Rights Under the Law conducted eight different fair housing training sessions, geared towards landlords and property managers, on the topics of fair housing and source of income discrimination. These training were conducted in the neighborhoods and communities areas that were also the subjects of the fair housing testing described above. In total, these trainings reached approximately 154 people, most of whom were landlords, property managers and real estate professionals.

Fine Collection Efforts

With the collaboration of the Law Department and the Department of Administrative Hearings, the Commission has launched its collections efforts to collect outstanding fines through the city's administrative hearings process. The fines included in this process include fines ordered in administrative hearings before the Commission as well as fines imposed for failing to comply with Commission procedures, such as failing to appear for mandatory settlement conferences. Pursuant to unsatisfied demand letters mailed to delinquent parties by the Commission, the Law Department initiated proceedings in 2018 to collect a total sum owed to the City of \$2,140. The Commission will continue to work with the Law Department in 2019 toward collecting on all outstanding balances.